

Part 410 – Compliance with NEPA

Subpart A – Procedures for NRCS – Assisted Programs

ME410.8 When to Prepare an Environmental Assessment (EA)

NRCS in the New England states and New York have issued a National Environmental Policy Act (NEPA) document, “Environmental Assessment of NRCS Conservation Practices Used to Address Natural Resource Concerns on Non-Federal Lands in the New England states and New York” and a Finding of No Significant Impact. Public Notice of the Availability of these documents was published in the Federal Register on May 8, 2007. This document is available at ftp://ftp-fc.sc.egov.usda.gov/NHQ/ecs/Enviro/FONSI_and_Regional_EA.pdf

Conservation practices used by NRCS in Maine were included in the Environmental Assessment (EA), and effects for these practices have been illustrated using network diagrams. Network diagrams are a method to review direct, indirect and cumulative conservation practice effects as part of the NEPA compliance process for Farm Bill implementation. Network diagrams for each practice can be found in Section IV of the Maine eFOTG. For all new or revised conservation practices, network diagrams will be created or revised and reviewed by the State Technical Committee. Approval of network diagrams will be recorded in the State Technical Committee meeting minutes.

To ensure NRCS in Maine is following the NRCS regulations for complying with the National Environmental Policy Act (7CFR650), the District Conservationist (DC) will act as the Responsible Federal Official (RFO) and must do the following:

1. Prior to signing the NEPA Compliance Finding section of the ME-CPA-52 form and the conservation plan, check to see if the network diagram is completed for the practice planned. Ensure that the initial settings and effects listed are appropriate for the planned setting covered by the conservation plan. If there are potential adverse effects onsite, use the appropriate mitigation practice(s) as needed to minimize the impact on the affected resources. If the practice, initial settings, effects, and mitigation practices are not covered by a network diagram, contact the State Office for further analysis.
2. Review the ME-CPA-52 and conservation plan for items that may indicate an impact that could be considered significant. Record information related to the context and intensity of the selected alternative in Sections O and N of the ME-CPA-52. A list of criteria for significant and extraordinary circumstances is located in Section O of the ME-CPA-52 form or the National Environmental Compliance Handbook (NECH), page 610-E70.5 or, in NECH figure 2, page 610-C.3. If any of these items are present, contact the State Office for guidance.

3. If the network diagrams are appropriate and adequately describe anticipated effects of implementing the practice, and no significant impacts are documented in Section H or J on the ME-CPA-52 form for the proposed action, do the following:
 - Select “has been sufficiently analyzed in an existing NRCS NEPA document” in Section Q of the NEPA Compliance Finding section and reference the “Use of NRCS Conservation Practices to Address Natural Resources Concerns on Non-Federal Lands in the New England states and New York Environmental Assessment, April 2007” as the citation for tiering.
4. Have the conservation plan signed by all parties involved and proceed as needed for funding and implementation.